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NOV 12 2024

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY CA
DEPUTY CLERK

David--Anthony; Avila
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Oakdale, Calif. [95361]
(209) 595-5597
davidavilla@dairydesigners.com
Sui juris

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

David Avila, et al

PLAINTIFFS,

vs.

NEWREZ LLC, et al,

DEFENDANTS,

Case No.: 2:24-cv-2264-TLN-CSK

JUDICIAL NOTICE IN SUPPORT OF
PLAINTIFFS

INTRODUCTION

Pursuant to Federal Rule of Evidence 201, PLAINTIFFS hereby requests that this Court take judicial notice of the following facts and documents in support of PLAINTIFF'S Opposition to Motion to Dismiss. Each document is a matter of public record or can be readily ascertained by certified mail tracking, and the facts therein are not subject to reasonable dispute.

FACTUAL AND PROCEDURAL BACKGROUND

This case involves allegations of wrongful foreclosure and related claims against DEFENDANTS. PLAINTIFF challenges DEFENDANTS Forced-placed insurance and

1 also the standing to enforce a loan due to procedural and substantive irregularities,
2 including issues with the assignment of the deed of trust, failure to comply with California
3 foreclosure statutes, and the lack of verified claims. Documents referenced herein pertain
4 directly to the central issues in this case.
5

6
7 REQUEST FOR JUDICIAL NOTICE
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9 Plaintiff requests judicial notice of the following documents:
10

11 A. Certified Mail Receipts and Tracking Information
12

13 Certified mail receipt, with tracking numbers of the US post office certified mail:

14 7022-2410-0002-9026-3190, evidencing delivery of insurance notification sent by
15 PLAINTIFF AVILA to Defendant SHELLPOINT MORTGAGE SERVICING.
16

17 See Exhibit 1 of ECF 1 pages 54 and 55: dated 31 January 2023, from PLAINTIFF to
18 DEFENDANT SHELLPOINT.
19

20 Certified mail receipt dated [Date], sent from Plaintiff to Defendant JP Morgan
21

22 B. PLAINTIFF'S Exhibit B of ECF 6 Page 38 of 62 shows a copy of the original
23 NOTE sent to the PLAINTIFFS by qualified written request in which the only
24 signature on the page is of John Hayne. This signature indorsement is in blank. The
25 instrument number of the original note is 502432472.
26
27
28

1 The same document had been altered after the signature of John Hayne pursuant to
2 DEFENDANTS Exhibit 1, ECF 23-2 Page 4 of 160.

3
4 The alteration included pay to the order of without recourse Flagstar bank signed by the
5 senior vice president and the first vice president. This was added after the blank
6 endorsement by John Hayne showing cause of concealment and alteration violating
7 UCC 3-406, 3-407
8

9
10 LEGAL BASIS FOR JUDICIAL NOTICE
11

12
13 Under Federal Rule of Evidence 201(b), a court may take judicial notice of facts that are
14 not subject to reasonable dispute and are capable of accurate and ready determination by
15 sources whose accuracy cannot reasonably be questioned. Documents such as certified mail
16 receipts with tracking information, recorded documents in the public land records, and prior
17 court filings fall within this category as they are verifiable and part of the public record.
18 These documents are central to PLAINTIFF'S claims regarding the alleged wrongful
19 foreclosure and DEFENDANTS' lack of standing.
20

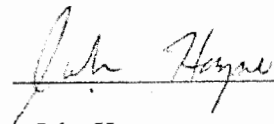
21
22 CONCLUSION
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24 For the foregoing reasons, Plaintiff respectfully requests that the Court take judicial notice
25 of the above-listed documents and facts. These documents are directly relevant to
26 Plaintiff's claims and are appropriate for judicial notice under Rule 201.
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Respectfully submitted 

David-Anthony Avila
Sui juris



John Hayne
Sui juris

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A

David-Anthony: Avila
C/o 8651 Crane Road
Oakdale, California

31 January 2023

Certified mail: 7022-2410-0002-9026-3190

Shellpoint Mortgage Servicing
ISAOA / ATIMA
P. O. Box 7050
Troy, MI 48007-7050

COPY
10F2

Reference:

Property address 8651 Crane Road, Oakdale, California
Loan # 0579602652

Insurance notification- lack of, dated January 9, 2024.

Information from David-Anthony: Avila, a man with power of attorney from John Hayne,
a man.

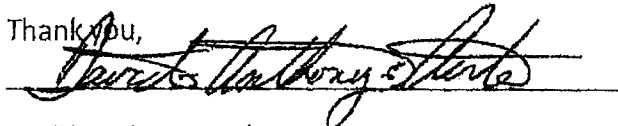
To Whom it man concern:

This real estate has NEVER been with out hazard insurance. I repeat, NEVER been with
out hazard insurance. The insurance agent who has provided services to the real estate
from day one of ownership, David Giddings of Giddings Specialty Insurance, 901
McHenry Ave, Ste B, Modesto, California.

Please take note. Please CORRECT the accounting record crediting all charges related to
your erroneous requirement for insurance coverage which has been and still is a
duplicate and not a lawful charge.

Please reply as soon as possible!

Thank you,



David-Anthony: Avila



Date

Enclosed:

Exhibits: Copy of letter from Shellpoint Mortgage Services, Insurance notification- lack
of, dated January 9, 2024.

Page 1-3: Emails from Giddings to ccdoks@insurancemortgagehome.com, 10/12/2023, 10:55 AM and another email to service@changemtg.com, 10/12/2023, 11:07 AM. With evidence of insurances attached.

Pages 4-7: Evidence of current insurance coverage in the form of billing account, Travelers home policy 613376760-633-1; coverage Jan 26, 2024 to Jan 26, 2025.

Pages 8- 19: Copy of Travelers policy coverage 01/26/2023 tp 01/26/2024.

Pages 20- 23: Copy of Travelers policy coverage January 26, 2022 to January 26, 2023.

Pages 24-25: Evidence of Property Insurance forms from THE STANDARD FIRE INSURANCE COMPANY ONE OF THE TRAVELERS PROPERTY CASULTY COMPANIES, ONE TOWER SQUARE, HARTFORD, CT 06183 sent 10/12/2023 as evidence of insurance to SHELLPOINT MORTGAGE SERVICING, ISOA ATIMA, P. O. BOX 7050- Travelers, coverage 01/26/2023 to 01/26/2024.

Pages 26-28: Email from Giddings Specialty Insurance to David Avila dated 1/18/2024 2:14 PM with copies of prior insurance coverages documents sent to insdocs@newreservng.com, 28 November, 2023 6:28 PM and to servicing@changemtg.com, 12 October, 2023 12:07 PM.

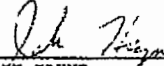
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B

V2 NBOD LOAN # 502432472

Borrower must pay all sums secured by this Security Instrument. If Borrower fails to pay these sums prior to the expiration of this period, Lender may invoke any remedies permitted by this Security Instrument without further notice or demand on Borrower.


WITNESS THE HAND(S) AND SEAL(S) OF THE UNDERSIGNED.


_____(Seal)
JOHN HAYNE

[Sign Original Only]

MULTISTATE FIXED RATE NOTE-Single Family-Fannie Mae/Freddie Mac UNIFORM INSTRUMENT Form 3200 1:01
© 1999-2007 Online Documents, Inc. Page 3 of 3

F8260NOT 0701
03-17-2009 10:01

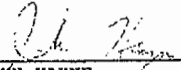
 502432472

ORIGINAL NOTE-1

Case 2:24-cv-02264-TLN-CSK Document 23-2 Filed 10/28/24 Page 4 of 160

Borrower must pay all sums secured by this Security Instrument. If Borrower fails to pay these sums prior to the expiration of this period, Lender may invoke any remedies permitted by this Security Instrument without further notice or demand on Borrower.

WITNESS THE HAND(S) AND SEAL(S) OF THE UNDERSIGNED.



JOHN HAYNE (Seal)

PAY TO THE ORDER OF
WITHOUT RECOURSE
FLAGSTAR BANK, FSB

BY: 
JEAN R. GARLOCK, SENIOR VICE PRESIDENT

BY: 
JOHN P. MARECKI, FIRST VICE PRESIDENT

[Sign Original Only]



502432472

ORIGINAL NOTE-1